

GIBBONS & STOKES

ATTORNEYS AT LAW
160 CONGRESS STREET
MOBILE, ALABAMA
TELEPHONE 433-2611

E. GRAHAM GIBBONS
B. F. STOKES, III
WILLIAM L. HOWELL

June 18, 1969

MAILING ADDRESS
P. O. BOX 293
MOBILE, ALABAMA 36601

Mrs. Alice J. Duck, Clerk
Circuit Court
Baldwin County Courthouse
Bay Minette, Alabama

Re: Commercial Credit Corporation vs William McCall, Jr.
Case No. 8696

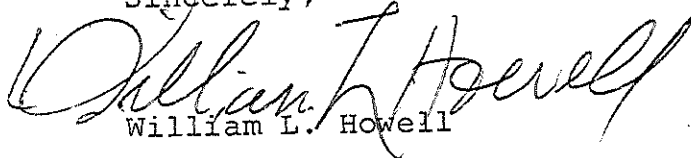
Dear Mrs. Duck:

The above is a detinue suit and you will note that more than 30 days have elapsed since the Defendant was served. I enclose a non-military affidavit and a motion for judgment by default.

I would appreciate it if you would present this matter to Judge Mashburn with a request that a judgment by default be entered in favor of the Plaintiff against the Defendant for the property described in the complaint. I am not offering a contract into evidence, since we are not requesting an alternate value sum or are we requesting damages for detention. It will be necessary that I furnish evidence of the judgment to the bondsman and so if the judgment is entered, I request that you send me a certificate of the judgment or a "monkey order" evidencing the judgment even though this is not a money judgment but a judgment in rem. Also please furnish me with a bill of costs.

If you need further information please advise.

Sincerely,


William L. Howell

WLH/al

Enclosure

GIBBONS & STOKES

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160 CONGRESS STREET
MOBILE, ALABAMA
TELEPHONE 433-2611

E. GRAHAM GIBBONS
B. F. STOKES, III
WILLIAM L. HOWELL

May 9, 1969

MAILING ADDRESS
P. O. BOX 293
MOBILE, ALABAMA 36601

Mrs. Alice Duck, Clerk
Circuit Court
Baldwin County, Alabama
Bay Minette, Alabama

MO. 8696

Re: Commercial Credit Corporation, a corporation, vs
William McCall, Jr.

Dear Mrs. Duck:

I enclose a complaint and a detinue bond relative to the above matter. You will note that the surety is Fidelity and Deposit Company of Maryland, whom you have approved as surety many times in the past. Therefore, I presume that you will find this surety to be sufficient.

There has been no payment on this house trailer since January, 1969 and therefore, I would appreciate your kindness in forwarding the necessary papers to the sheriff immediately when you receive this letter on May 12.

Your kind attention and courtesy is appreciated.

Sincerely yours,

William L. Howell
William L. Howell

WLH:fo

COMMERCIAL CREDIT CORPORATION,) IN THE CIRCUIT COURT OF
a corporation

Plaintiff

) BALDWIN COUNTY, ALABAMA

) AT LAW

VS

)

WILLIAM McCALL, JR.

)

Defendant

CASE NO. 8696

MOTION FOR JUDGMENT BY DEFAULT

Comes now the Plaintiff in the above styled cause and shows unto the court that the Defendant herein was served more than 30 days ago and has failed to plead, answer or demur to the complaint.

WHEREFORE, Plaintiff moves the Court to enter judgment by default.

William L. Howell
WILLIAM L. HOWELL
Attorney for Plaintiff

FILED

JUN 19 1969

ALICE J. DICKS CLERK
RECLER

COMMERCIAL CREDIT CORPORATION

a corporation

PLAINTIFF,

-versus-

WILLIAM McCALL, JR.

DEPENDANT.

IN THE CIRCUIT COURT OF

BALDWIN
~~MOBILE~~ COUNTY,

ALABAMA

AT LAW

CASE NO. 8696

NON-MILITARY AFFIDAVIT

STATE OF ALABAMA)

COUNTY OF MOBILE)

Now comes, William L. Howell,
who being first duly sworn, deposes and says that the defendant
herein, William McCall, Jr.,
was not at the time of filing of this suit, and is not now
in the Military or Naval Service of the United States.

The Defendant resides at Foley, Alabama

William L. Howell

Sworn to and Subscribed before me,
this 18th day of June, 1969.

Allen Levine
~~CXXXXXXXXXXXX~~, MOBILE COUNTY, ALABAMA
NOTARY PUBLIC

FILED _____

Clerk.

COMMERCIAL CREDIT CORPORATION,
a corporation

Plaintiff

VS

WILLIAM MCCALL, JR.

Defendant

) IN THE CIRCUIT COURT OF

) BALDWIN COUNTY, ALABAMA

) AT LAW


) Case No. 8696

Plaintiff claims of the defendant the following described
personal property, viz:

One 1959 Model Frontier, Mobilhome House Trailer, serial
number 9566, 55 ft. by 10 ft.

with the value of the use thereof during the detention, viz:

From, to-wit, January 31, 1969, said above described property
being the property of the plaintiff.


Attorney for Plaintiff
William L. Howell
P. O. Box 293
Mobile, Alabama 36601

Serve the defendant at:

Route 3, Box 69,
Foley, Alabama

The State of Alabama, }
Baldwin County

CIRCUIT COURT

No. 8696

19

To Any Sheriff of the State of Alabama—Greetings:

You Are Hereby Commanded to Summon William McCall, Jr

to appear within thirty days from the service of this writ, in the Circuit Court to be held for said County
at the place of holding the same, then and there to answer the complaint of

Commercial Credit Corporation, a corp
~~William McCall, Jr~~

Witness my hand this 13th day of May 19 69

Dee J. Duck, Clerk

COMPLAINT

Plaintiff

Versus

Defendant

The plaintiff claims of the defendant the following personal property, to-wit:

Bill of Complaint Attached

with the value of the hire or use thereof during the detention, to-wit:

from 19 , to 19

Plaintiff's Attorney.

State of Alabama

Baldwin County

CIRCUIT COURT

COMMERCIAL CREDIT CORPORATION

a corp

Plaintiff

VS.

WILLIAM McCALL, Jr

Defendant

Detinue Summons and Complaint

Filed 5-13-1969

Alice J. Duck

Clerk

Wm F. Howell
Gibbons & Stokes Plaintiff's Attorney

Defendant's Attorney

To the Sheriff of said County:

Whereas, the Plaintiff in the within stated cause has made affidavit and given bond as required by law you are hereby required to take the property mentioned in Complaint into your possession unless the Defendant gives bond payable to the Plaintiff with sufficient surety in double the amount of the value of the property, with condition that if the Defendant is cast in the suit he will within thirty days thereafter, deliver the property to the Plaintiff, and pay all damages and costs which may accrue from the detention thereof.

Alice J. Duck Clerk

Executed 5-14-69
By taking the within
Mention Property in
Possession. And leaving
at William McCall Jr
Home + taking as Bales
Receipt.

Local Police
They made Bond.
5/14/69 By Commercial
Credit Corp. Fidelity
+ Security Co.
Property released to
D.M.

RECEIVED

MAY 13 1969

Received by
SHERIFF

19

Sheriff

I have executed this summons

this 5/14, 1969

by leaving a copy with

William McCall, Jr.

Sheriff claims 100 miles at

Ten Cents per mile Total \$10.00

TAYLOR WILKINS, Sheriff

BY Childress
DEPUTY SHERIFF

Taylor Wilkins, Sheriff
L. L. L. Deputy Sheriff

Printed by Moore Printing Co.

THE STATE OF ALABAMA
MOBILE COUNTY.

DETINUE BOND AND AFFIDAVIT.

KNOW ALL MEN BY THESE PRESENTS, That We, Commercial Credit Corporation,
a corporation, as Principal, and Fidelity and Deposit Company of
Maryland, as Surety,

are held and firmly bound unto William McCall, Jr.,

his _____ heirs, executors and administrators, in the

sum of TWO THOUSAND DOLLARS (\$2,000.00) Dollars, for
the payment of which, we bind ourselves, our and each of our heirs, executors, and administrators, jointly
and severally, firmly by these presents.

Sealed with our seals and dated this _____ day of _____, A. D. 19____

The Condition of the above Obligation is such, That whereas the above bounden _____

Commercial Credit Corporation, a corporation has, on

the _____ day of _____ 19____, sued out from the office of the

Clerk of the Circuit Court of Baldwin ~~Mobile~~, in the State of Alabama, a Writ of Detinue, returnable to the present

term of said Circuit Court of Baldwin ~~Mobile~~ against the said William McCall, Jr.

_____ for the recovery of the following property.

to-wit One 1959 Model Frontier, Mobilhome House Trailer,

serial number 9566, 55 ft. by 10 ft.

NOW, if the said Commercial Credit Corporation, a corporation, shall fail

in said suit, and shall pay to the said William McCall, Jr.

the defendant in said writ all such costs and damages as he may sustain by the wrongful suing out of said
Writ of Detinue, then this obligation to be void, otherwise to remain in full force and benefit.

COMMERCIAL CREDIT CORPORATION, a
corporation
By: _____ (Seal)

FIDELITY AND DEPOSIT COMPANY OF MARYLAND (Seal)
By: _____ (Seal)

FILED

MAY 13 1969

ALICE J. DUCK
CLERK
REGISTER
Alice J. Duck

THE STATE OF ALABAMA,
Mobile County

DETINUE AFFIDAVIT

PERSONALLY appeared before me, ~~John E. McCall, Jr., Clerk of the Circuit Court~~ ^{Notary Public} of Mobile County,

C. N. Bagley

who, being duly sworn deposes and says, that the property sued for in the complaint of
Commercial Credit Corporation, a corporation,
to-wit:

One 1959 Model Frontier, Mobilhome House Trailer,

serial number 9566, 55 ft. by 10 ft.

belongs to Commercial Credit Corporation, a corporation the said Plaintiff.

Sworn to and subscribed the 9 day

of May, 19 69, before me.

Notary Public

~~Clerk~~

CIRCUIT COURT

MOBILE COUNTY

BALDWIN

COMMERCIAL CREDIT CORPORA-
TION, a corporation

Plaintiff

VS. } Detinue Affidavit
and Bond

WILLIAM MCCALL, JR.
Defendant

Filed day of 19

Clerk Circuit Court, Mobile County

Attorney

STATE OF ALABAMA
County of Mobile.

KNOW ALL MEN BY THESE PRESENTS, That we, Commercial Credit Corporation,
a corporation, Fidelity and Deposit Company of Maryland
as Principal, and William McCall, Jr. as Sureties, are held and firmly bound unto

in the sum of FOUR THOUSAND DOLLARS (\$4,000.00)

for the payment of which well and truly to be made we, jointly and severally, bind ourselves and each of us, our heirs,
executors and administrators. Sealed with our seals and dated this 9 day of May
in the year of our Lord, one thousand, nine hundred and sixty nine

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas, the said

Commercial Credit Corporation, a corporation

did, on the 9 day of May, (1) 969, sue out in the Circuit Court
of Baldwin County, Alabama, a writ in detinue, direct to any Sheriff of the State of Alabama, commanding him to take
into his possession the following described property, to-wit:

One 1959 Model Frontier, Mobilhome House Trailer,
serial number 9566, 55 ft. by 10 ft.

which said writ was placed in the hands of Taylor Wilkins,
Sheriff of the County of Baldwin on the _____ day of _____, 19____, by taking into his possession
the following described property, to-wit:

One 1959 Model Frontier, Mobilhome House Trailer,
serial number 9566, 55 Ft. by 10 Ft.

and whereas the said William McCall, Jr.

defendant in said writ, has failed and neglected, for the space of five days from the execution of said writ, to give bond
and take possession of said property as authorized by law.

Now is the said Commercial Credit Corporation, a corporation

upon his failing in said suit, shall deliver the said property to the defendant within thirty days after judgment, and
pay damages for the detention of the property and costs of suit, then this obligation to be void, otherwise to remain
in full force and effect.

COMMERCIAL CREDIT CORPORATION, a
corporation
By: [Signature] (Seal)

FIDELITY AND DEPOSIT COMPANY OF MARYLAND
By: [Signature] (Seal)

Taken and approved this the 21st day of _____

May, 19 69
[Signature]
Sheriff, Mobile County, Alabama
[Signature]

No.

Circuit COURT

BALDWIN
~~MORRIS~~ COUNTY

COMMERCIAL CREDIT CORPORATION,
a corporation

Plaintiff

VS. } **Definue Forthcoming**
Bond by Plaintiff

WILLIAM MCCALL, JR.

Defendant

